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BOOK REVIEWS.

THE LEGISLATURE OF THE PROVINCE OF VIRGINIA. ITS INTERNAL DEVELOPMENT. By Elmer I. Miller, Ph. D., Professor of History and Political Science, State Normal School, Chicco, Cal. Studies in History, Economics and Public Law. Edited by the Faculty of Political Science of Columbia University. Volume XXVIII, number 2. New York. The Columbia University Press. The Macmillan Company, Agents. London. P. S. King & Son. 1907, pp., 182.

Dr. Miller, formerly a student of Columbia, came to the study of the legislative history of the Colony of Virginia (for province is not a word usually applied to it), without any preconceived theories; but with an earnest desire to make a full and careful investigation of the sources and to give what he found to be the truth. He has done his work well and has prepared a valuable book.

Perhaps the chief criticism which may be made is that he too often hesitates to form a positive opinion where there is really no ground for hesitation, and has wasted some time on writers who are of no authority on the subjects treated of. Though the author disagrees with them it was really labor lost to consult Story and Hamilton as to Colonial Virginia History. The extracts given show that they were quite ignorant in regard to the subject.

The book begins with an introduction treating of the form of government in Virginia, before 1619. Chapter I is devoted to the beginning of legislation under the London Company. The next four chapters are detailed studies of the House of Burgesses—apportionment of members, length of term, qualifications, suffrage, elections, qualifications of members, the organization and procedure of the House, its officers, salaries and method of conducting business. Chapter VI gives an account of "The Governor as a Part of the Legislature." Chapter VII is an especially valuable examination of the Council as part of the legislature,—the "upper house," and the final chapter describes the features of the legislature as a whole. This is followed by a bibliography.

The author has used practically all sources accessible in America, and though there may be difference of opinion in regard to some of his

views and some details may hereafter be more fully worked out, it seems that the material was abundant for his purpose.

Though Robert Beverley, who stated that the two houses ceased to occupy a common hall in 1680, should have known, it is evident that he did not. Perhaps the two houses of Assembly still occasionally sat together until that year; but it is evident that long before they held separate sessions. By a resolution of the House of Burgesses, adopted at the session of March, 1657-8, it was determined that all propositions and laws from committee should first be considered by that house alone and not in the presence of the Governor and Council (Hening I, 407), and on March 8, 1658-9, there is an entry which shows that the Governor was not in the House (ib. 509). On the same day when the letter from the Lord Protector was to be considered the "Governor and Council" departed (ib. 511). In the rules of the House of Burgesses (ib. 507, 508), there is no reference to the presence of Governor or Council.

On March 13, 1658-9, a message was sent from the Burgesses to the Governor and Council, asking their assent to a bill (ib. 314). It is evident that as early as 1658, the two houses were sitting apart during most of the session.

On page 54 it is said that it was customary for some years for planters to borrow from the public treasury. This is not correct as stated. John Robinson, the treasurer, as a matter of personal favor from himself, allowed his friends to borrow from the treasury. That he, with good reason, expected that these loans would be fully repaid, did not less constitute it a breach of law. It was not a custom; but a loan from the treasury for which he was personally liable and which his estate ultimately paid.

In regard to Burgesses holding other offices it should be stated that a member could also be a county clerk, but on receiving such an appointment vacated his seat, and had to stand again for election.

Lynhaven parish (p. 45), was not co-extensive with the county in which it lay.

To the reference to naturalization (p. 50), may be added an order of Assembly dated 1656, which declared that Nicholas Martian, who had been naturalized in England, was capable of holding any office in Virginia.

During the period when a freehold was a prerequisite for voting (see p. 60), in the State of Virginia (and no doubt during the colonial period also), a man could vote wherever he had a freehold. There was one well known instance not very many years before the Civil War, of a man who prided himself on voting in four counties. He

kept on election day several relays of horses at the various county seats where he voted.

It was hardly necessary (p. 81), to even express doubt as to the existence of speakers between 1619 and 1646. The House of Burgesses was modelled after the House of Commons, it had a speaker in 1619, and of course had one at every session. As a matter of fact there are two mentioned between the dates named. Thomas Stegg, in 1642, and Edward Hill in 1644. If the records were fuller we should have the names of all.

The offices of speaker and treasurer (p. 82), were frequently united long before 1738. Robert Carter held both offices in 1699 (Hening III, 198, 199); Benjamin Harrison, in 1705 (ib. 477, 481); Peter Beverley, 1710-14 (ib. III, 495, &c.); John Holloway, 1723-34 (ib. IV; 135, 150, 316, 438).

The Governor (p. 83), never had a share in the election of speaker. The form of presenting a speaker to the Governor for his approval was the same as that in England. In the case cited, the only one recorded where there was any suggestion of interference, the person first proposed for speaker was deeply interested in a business matter which was to come before the House.

There does not appear to be any authority for the statement (p. 135), that there was no separate journal of the upper house kept before 1680. There is no evidence either way.

Dinwiddie (p. 136), was not governor in 1742. He was surveyor general of the customs and had from the King a general commission to be a member of the Council of all of the Colonies of his district.

The statement (p. 137), in regard to the number of members of the Council who had been servants is erroneous. There were none after the early period, and these seem to have been technically so. Richard Townshend, who is given as a "servant," to Dr. Pott, made a complaint to the Council that he had been apprenticed to the doctor to learn physic and surgery and that Dr. Pott had neglected his teaching.

Adam Thoroughgood, also styled "servant," received, when he came of age, a grant of more than five thousand acres "at the special order of the Privy Council of England," doubtless through the influence of his brother, Sir John Thoroughgood, who was one of Buckingham's attendants.

Of the origin of Abraham Wood, the other member of the Council who had been a "servant," nothing is known.

A few typographical errors have been noted. In the note on p. 37, "grand" is misprinted "grant;" on p. 40, for "East Shore" read "Eastern Shore;" p. 82, for "Chile" read "Chiles;" p. 89, for "Williamstown" read "Williamsburg;" p. 95, for "Proser" read "Prosser."

The lack of an index is to a considerable extent supplied by a very full table of contents.

Dr. Miller has prepared a valuable book which will be of much use to students of Virginia history.

THE REVOLUTION ON THE UPPER OHIO, 1775-1777. Compiled from the Draper Manuscripts in the Library of the Wisconsin Historical Society and published at the charge of the Wisconsin Society of the Sons of the American Revolution. Edited by Reuben Gold Thwaites, LL. D., Secretary of the Society, and Louise Phelps Kellogg, Ph. D., Editorial Assistant on the Society's Staff. Wisconsin Historical Society, Madison, 1908, pp. 275, with a map and nine portraits.

The praiseworthy public spirit and patriotism of the Wisconsin Society Sons of the American Revolution has again enabled the Historical Society of that State to print a portion of its famous Draper Collection. Taking up the history of the West at the time when its former publication, "Dunmore's War" ended, a series of important documents has been published coming down to the Spring of 1777. The term "Upper Ohio" has been widely interpreted, and events along the course of the river from the falls (Louisville) to Fort Pitt, have been included. The important treaty of Fort Pitt, 1775 is given at length, as is Col. James Wood's diary of his western trip made with the purpose of inviting the Indians to attend.

The other documents consist largely of unpublished letters of pioneers and officers holding commands on the frontier. This book is indispensable for a proper knowledge of the relations of the middle States with the Indians during the early years of the Revolution. As almost all of the writers were Virginians, and as Virginia then claimed almost all of the frontier then threatened with attack, this latest of the valuable publications of the Wisconsin Historical Society is particularly interesting to students of Virginia history.

THE HISTORY OF TRURO PARISH IN VIRGINIA. By Rev. Philip Slaughter, D. D., edited with notes and Addenda, by Rev. Edward L. Goodwin, Historiographer of the Diocese of Virginia. Philadelphia, George W. Jacobs and Company, Publishers [1908], pp. v, 164, and index, with several illustrations, plans, &c.

Dr. Slaughter in his time did good work for the history of his Church and State, but it is no detraction from the gratitude we owe him and Bishop Meade to say that neither of them ever wrote so good a parish history as this. New knowledge of materials and new